

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

Index No.: \_\_\_\_\_/19

-----X  
JANE DOE,Plaintiffs designate  
NEW YORK COUNTY  
as place of trial.*Plaintiff,*

-against -

The basis of venue is  
Defendant's principal place  
of business is in New York  
County.ROMAN CATHOLIC ARCHDIOCESE OF NEW  
YORK and ST. PETER-ST. PAUL SCHOOL,SUMMONS*Defendants.*Plaintiff resides in  
Chittenden County  
Vermont-----X  
To the above-named defendants:

**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case your failure to appear or answer, judgement will be taken for the relief demanded herein.

**A COPY OF THIS SUMMONS WAS FILED WITH THE CLERK OF THE COURT, NEW YORK COUNTY ON \_\_\_\_\_ IN COMPLIANCE WITH CPLR §§305(a) AND 306(a).**

Dated: New York, New York  
October 29, 2019

MERSON LAW, PLLC

By: Jordan K. Merson  
Attorney for Plaintiff  
150 East 58<sup>th</sup> Street 34<sup>th</sup> Floor  
New York, New York 10155  
(212) 603-9100

TO:  
**ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK**  
1011 1st Avenue  
New York, NY 10022

**ST. PETER-ST. PAUL SCHOOL**  
129 Clinton Avenue  
Staten Island, NY 10301-1131

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

Index No.: \_\_\_\_\_/19

-----X  
JANE DOE,

Plaintiff,

-against -

**VERIFIED  
COMPLAINT**ROMAN CATHOLIC ARCHDIOCESE OF  
NEW YORK and ST. PETER-ST. PAUL SCHOOL,

Defendants.

-----X  
Plaintiff(s), above named, complaining of the defendants, by **MERSON LAW,**  
**PLLC.**, respectfully allege(s):**NATURE OF THE CLAIM**

1. This is a case of plaintiff JANE DOE who was sexually abused when she was a child by Father Thomas Darby ("Darby"), at and of the Roman Catholic Archdiocese of New York ("Archdiocese").
2. Darby was a priest at St. Paul's Catholic School, now St. Peter-St. Paul School, in Staten Island, New York which was part of the Archdiocese. Darby was an agent, servant and/or employee of the Archdiocese and St. Peter-St. Paul School and utilized his position authority with the Archdiocese and St. Peter-St. Paul School to sexually abuse Plaintiff. Darby was known among the community, the children and upon information and belief, school administrators and faculty at church as a sexual predator.
3. Despite Father Darby's reputation as a sexual predator to young children, he continued to be a priest under the supervision and control of the Roman Catholic Archdiocese of New York and St. Peter-St. Paul School.

4. The Archdiocese knew or should have known that Darby was sexually abusing children and/or had the propensity to do so.
5. Prior to the abuse, Father Darby would make inappropriate comments to Plaintiff about the way she looked.
6. In approximately 1982, Principal, Sister Mary Grace, handpicked Plaintiff to assist in raking leaves after class. To Plaintiff's surprise, when she arrived she was the only student there along with Father Darby. Father Darby left Plaintiff in a dark room. When Father Darby returned, he gave Plaintiff something to drink.
7. Plaintiff recalls Father Darby on top of her and pain in and around her vagina.
8. This was the first time Plaintiff was sexually abused by Father Darby.
9. Plaintiff has been unable to talk about the sexual abuse she endured since it occurred more than 40 years ago, because she is so traumatized.
10. Plaintiff brings this lawsuit to recover for the emotional and physical suffering she suffered due to the negligence of the Roman Catholic Archdiocese of New York and St. Peter-St. Paul School and to make sure no other child is forced to suffer the abuse and physical and mental trauma she felt and continues to feel.

#### PARTIES

11. At all times herein mentioned defendant **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK** was a not for profit corporation incorporated in the State of New York and by virtue of the laws of the State of New York.
12. At all times herein mentioned, defendant **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK** was located at 1011 1<sup>st</sup> Avenue, New York, New York 10022.



13. At all times herein mentioned, Father Thomas Darby was a priest operating under the direction and control of defendant **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK**, and its agents, servants and/or employees.
14. At all times herein mentioned, Father Thomas Darby was an agent, servant and/or employee of defendant **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK**.
15. At all times herein mentioned defendant **ST. PETER-ST. PAUL'S SCHOOL** was a not for profit corporation incorporated in the State of New York and by virtue of the laws of the State of New York.
16. At all times herein mentioned, defendant **ST. PETER-ST. PAUL'S SCHOOL** was located at 129 Clinton Avenue Staten Island, NY 10301-1131.
17. At all times herein mentioned, Father Thomas Darby was a priest operating under the direction and control of defendant **ST. PETER-ST. PAUL'S SCHOOL**, and its agents, servants and/or employees.
18. At all times herein mentioned, Father Thomas Darby was an agent, servant and/or employee of defendant **ST. PETER-ST. PAUL'S SCHOOL**.
19. At all times herein mentioned, Defendants **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, ST. PETER-ST. PAUL'S SCHOOL** and Father Darby were agents, servants, employees and/or alter egos of each other.

#### **FACTS OF THE CASE**

20. Defendants **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK's** and **ST. PETER-ST. PAUL SCHOOL's** negligence and recklessness caused Father Darby to have access to children, including on Diocese premises, despite his reputation of being a sexual predator and therefore are responsible for the injuries that Plaintiff incurred

because but for Defendants **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK's** and **ST. PETER-ST. PAUL SCHOOL's** negligence, Plaintiff would not have suffered the mental and physical anguish inflicted by father Thomas Darby. Defendants **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK's** and **ST. PETER-ST. PAUL SCHOOL's** negligence, recklessness and willful and/or wanton conduct supports punitive liability.

21. Upon information and belief, Principal Sister Mary Grace, handpicked Plaintiff to be sexually abused by Father Darby. Sister Mary Grace requested Plaintiff meet to clean leaves from the rectory. When Plaintiff arrived, she was surprised to learn she was the only student there with Father Darby.
22. Father Darby left Plaintiff alone in a dark room. She was scared. When Father Darby returned, he gave Plaintiff something to drink.
23. Plaintiff recalls Father Darby on top of her. Plaintiff also recalls pain in and/or around her vagina as Father Darby raped her over and over.
24. Prior to the abuse, Plaintiff was constantly being harassed by the school for lack of tuition payments, brought to the office and embarrassed in front of her classmates. After the abuse, Plaintiff was never harassed about her tuition again.
25. Upon information and belief, defendants **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK** and **ST. PETER-ST. PAUL SCHOOL** had a long history of handpicking vulnerable children, like Plaintiff with a difficult home life, for abuse and then covering up said abuse.
26. Defendants **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK** and **ST. PETER-ST. PAUL SCHOOL** failed to remove Father Darby from his position as a

priest or to take any steps to keep the dangerous predator away from the children of the school.

27. As such, Plaintiff suffered catastrophic and lifelong injuries as a result of defendant **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK's** and **ST. PETER-ST. PAUL SCHOOL's** negligence in undertaking a duty to keep patrons, including young children, of its parishes safe from predators and failing to act in accord with that duty by allowing Father Darby, a known predator, to continue his role where he would continue to have the opportunity to prey on young children, and the Diocese failed to adequately supervise Darby.

**AS FOR A FIRST CAUSE OF ACTION FOR NEGLIGENCE**

**AS FOR ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK**

28. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 27., inclusive, with the same force and effect as if hereinafter set forth at length.
29. At all times mentioned herein, defendant **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK** owed a duty of care, including, but not limited to in loco parentis to keep the children of its parishes and schools, including plaintiff, safe from sexual abuse by its clergymen under its supervision and control, including on company premises, that ultimately befell the Plaintiff, and they had a duty to supervise Darby, and keep its premises safe for plaintiff.
30. At all times mentioned herein, defendant **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK** and/or its agents, servants and/or employees breached the above-stated

duty in a negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted.

31. As a result of the negligence of defendant **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK** and/or its agents, servants and/or employees, plaintiff was caused serious personal injuries, emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
32. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendant in such sums as a jury would find fair, just and adequate.
33. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendant in such sums as a jury would find fair, just and adequate.
34. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
35. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR A SECOND CAUSE OF ACTION FOR NEGLIGENCE**

**AS FOR ST. PETER-ST. PAUL SCHOOL**

36. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 35., inclusive, with the same force and effect as if hereinafter set forth at length.
37. At all times mentioned herein, defendant **ST. PETER-ST. PAUL SCHOOL** owed a duty of care, including, but not limited to in loco parentis to keep the children of its parishes and schools safe, including plaintiff, from sexual abuse by its clergymen under



its supervision and control, including on company premises, that ultimately befell the Plaintiff, and they had a duty to supervise Darby, and keep its premises safe for plaintiff.

38. At all times mentioned herein, defendant **ST. PETER-ST. PAUL SCHOOL** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted.

39. As a result of the negligence of defendant **ST. PETER-ST. PAUL SCHOOL** and/or its agents, servants and/or employees, plaintiff was caused serious personal injuries, emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.

40. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendant in such sums as a jury would find fair, just and adequate.

41. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendant in such sums as a jury would find fair, just and adequate.

42. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.

43. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR A THIRD CAUSE OF ACTION FOR NEGLIGENT HIRING,**

**RETENTION AND SUPERVISION**

**AS FOR ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK**

44. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 43., inclusive, with the same force and effect as if hereinafter set forth at length.

45. Defendant **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK**, had a duty in loco parentis to supervise and prevent known risks of harm to patrons of its parishes and students of its schools, including plaintiff, by its clergymen.
46. Defendant was negligent in hiring, retaining and supervising their personnel, such as Father Darby, who were careless, unskillful, negligent, reckless, and acted in a willful and wanton manner in not possessing the requisite knowledge and skill of priests and church officials who should have properly been supervising the priests to ensure the safety of the children of the parishes.
47. Defendant **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK**, by and through its agents, servants and/or employees including, but not limited to, St. Paul's Catholic School Principal, Sister Mary Grace, knew or should have known Father Darby sexually abused and/or had the propensity to sexually abuse children and did nothing to stop it.
48. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
49. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendant in such sums as a jury would find fair, just and adequate.
50. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendant in such sums as a jury would find fair, just and adequate.
51. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
52. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR A FOURTH CAUSE OF ACTION FOR NEGLIGENT HIRING,  
RETENTION AND SUPERVISION AS FOR ST. PETER-ST. PAUL SCHOOL**

53. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 52., inclusive, with the same force and effect as if hereinafter set forth at length.
54. Defendant **ST. PETER-ST. PAUL SCHOOL** had a duty in loco parentis to supervise and prevent known risks of harm to patrons of its parishes and students of its schools, including plaintiff, by its clergymen.
55. Defendant was negligent in hiring, retaining and supervising their personnel, such as Father Darby, who were careless, unskillful, negligent, reckless and acted in a willful and wanton manner in not possessing the requisite knowledge and skill of priests and church officials who should have properly been supervising the priests to ensure the safety of the children of the parishes, including plaintiff.
56. Defendant **ST. PETER-ST. PAUL SCHOOL**, by and through its agents, servants and/or employees including, but not limited to, St. Paul's Catholic School Principal, Sister Mary Grace, knew or should have known Father Darby sexually abused and/or had the propensity to sexually abuse children and did nothing to stop it.
57. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
58. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendant in such sums as a jury would find fair, just and adequate.

59. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendant in such sums as a jury would find fair, just and adequate.
60. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
61. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR THE FIFTH CAUSE OF ACTION FOR NEGLIGENT INFLECTION OF  
EMOTIONAL DISTRESS**

**AS FOR ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK**

62. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 61., inclusive, with the same force and effect as if herein set forth at length.
63. Defendant **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK** and their agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and hire Father Darby, the priest who sexually abused Plaintiff, would and did proximately result in physical and emotional distress to Plaintiff.
64. Defendant **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK** and their agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.
65. Defendant has the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by Father Darby.



66. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted Father Darby sexually abusing Plaintiff.
67. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
68. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR THE SIXTH CAUSE OF ACTION FOR NEGLIGENT INFLICTION OF  
EMOTIONAL DISTRESS AS FOR ST. PETER-ST. PAUL SCHOOL**


69. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 68., inclusive, with the same force and effect as if herein set forth at length.
70. Defendant **ST. PETER-ST. PAUL SCHOOL** and their agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and hire Father Darby, the priest who sexually abused Plaintiff, would and did proximately result in physical and emotional distress to Plaintiff.
71. Defendant **ST. PETER-ST. PAUL SCHOOL** and their agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.
72. Defendant has the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by Father Darby.

73. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted Father Darby sexually abusing Plaintiff.
74. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
75. This action falls within exceptions to Article 16 of the C.P.L.R.

WHEREFORE, plaintiff demands judgement against defendant in such sum as a jury would find fair, adequate and just.

Dated: New York, New York  
October 29, 2019

MERSON LAW, PLLC

By:   
Jordan K. Merson  
Attorney for Plaintiff  
150 East 58<sup>th</sup> Street 34<sup>th</sup> Floor  
New York, New York 10155  
(212) 603-9100

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

Index No.:

\_\_\_\_\_/19

-----X  
JANE DOE,*Plaintiff,**-against -***ATTORNEY  
VERIFICATION**ROMAN CATHOLIC ARCHDIOCESE OF  
NEW YORK and ST. PETER-ST. PAUL SCHOOL,*Defendants.*-----X  
JORDAN K. MERSON, an attorney duly admitted to practice in the Courts of New York State, and a member of the firm MERSON LAW, PLLC., attorneys for the plaintiffs in the within action, hereby affirms under penalty of perjury:

That he has read the within complaint and knows the contents thereof, and that the same is true to his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

That the sources of his information and knowledge are investigations and records in the file.

That the reason this verification is made by affirmant and not by the plaintiff is that the plaintiff is not within the County where the attorney has his office.

Dated: New York, New York  
October 29, 2019

  
JORDAN K. MERSON

Index No.

Year 2019

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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JANE DOE,

*Plaintiff,*

*- against -*

ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK  
and ST. PETER-ST. PAUL SCHOOL,

*Defendants,*

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SUMMONS AND VERIFIED COMPLAINT

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Merson Law, PLLC.

*Attorneys for Plaintiff(s)*

*Office and Post Office Address, Telephone*  
150 East 58<sup>th</sup> Street 34<sup>th</sup> Fl.  
New York, New York 10155  
(212) 603-9100

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To: All Parties

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